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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

APR 27 1999

MICHAEL W. BOBBINS, CLERK
UNITED STATES DISTRICT COURT

VARDON GOLF
COMPANY INC.

Plaintiff,

v.

KARSTEN MANUFACTURING
CORPORATION

Defendant.

Civil Action No.

99C 2785

JUDGE COAR

JURY TRIAL DEMANDED
MAGISTRATE JUDGE DENLOW

COMPLAINT

MAGISTRATE JUDGE DENLOW

Plaintiff, Vardon Golf Company, Inc. ("Vardon") complains of Karsten
Manufacturing Corporation ("Karsten"), as follows:

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has original jurisdiction over the subject matter of this claim under 28 U.S.C. § 1338(a). This Court also has original jurisdiction over the subject matter of these claims under 28 U.S.C. § 1332(a), since the parties are citizens of different states, and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

2. Vardon is an Illinois corporation having a place of business at 1080 Nerge Road, Suite 205, Elk Grove Village, Illinois 6007.

3. Karsten is a corporation that has a regular and established place of business at 2201 Desert Cove, Phoenix, Arizona 85068.

4. Venue in this district is proper under 28 U.S.C. §§ 1400(b) and 1391(c) since Karsten transacts business in this judicial district by selling golf clubs, including those that are the subject of this litigation, to customers within this judicial district and by conducting other business in this judicial district.

5. Vardon owns and has standing to sue for infringement of United States Letters Patent No. 5,301,941 (the "'941 patent") for "Golf Club Head With Increased Radius Of Gyration And Face Reinforcement" and United States Letters Patent No. 5,401,021 (the "'021 patent") for "Set Of Golf Club Irons With Enlarged Faces" (collectively "the Vardon patents"). The Vardon patents, attached hereto as Exhibits A and B, were duly and legally issued by the United States Patent and Trademark Office.

6. Karsten has committed direct acts of infringement of the Vardon patents by manufacturing and selling golf clubs covered by the patent in suit. More specifically, Karsten's sale of the ISI Titanium driver infringes Claims 12 and 15 of the '941 patent and Karsten's sales of the ISI irons and wedges infringe Claims 4-5, 7-8, 12, 14 and 15 of the '021 patent.

7. Karsten's infringement has injured Vardon and Vardon is entitled to recover damages adequate to compensate it for infringement of the Vardon patents.

8. Karsten's infringement has been willful. Karsten was notified by Vardon

about its infringement of the '021 patent yet Karsten continues to manufacture and sell its infringing golf clubs despite its knowledge of the patent. Karsten's infringement of the '021 patent, therefore, reflects a failure to affirmatively exercise due care with respect to Vardon's patent rights.

9. Karsten's infringement will continue to injure Vardon until this Court enters an injunction prohibiting further infringement and specifically enjoining further manufacture, use and sale of golf clubs comprising the inventions of the Vardon patents.

10. Vardon has complied with the statutory requirements for patent marking and/or notice pursuant to 35 U.S.C. § 287.

DEMAND FOR RELIEF

WHEREFORE, Vardon respectfully demands judgment against Karsten, its subsidiaries, affiliates, agents, servants, employees, attorneys and all persons in active concert or participation with them, and granting Vardon the following relief:

- a. A permanent injunction prohibiting Karsten from further acts of infringement of the Vardon patents;
- b. An award to Vardon of such damages as it shall prove at trial against Karsten, after a full accounting for all damages caused Vardon by Karsten, the damages to be no less than a reasonable royalty, together with prejudgment interest from the date infringement of the Vardon patents began;

- c. An award to Vardon of three times the amount of damages so determined, as provided for in 35 U.S.C. Section 284;
- d. A finding that this case is "exceptional," and, if so, an award to Vardon of its costs and reasonable attorneys' fees, as provided in 35 U.S.C. Section 285; and
- e. Such other and further relief as this Court or a jury may determine to be proper and just.

JURY DEMAND

Vardon demands a trial by jury on all issues triable by jury.



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